

REMARKS

At the time of the Office Action, claims 1-45, 74-104, and 112-115 were pending. Claims 46-73 and 105-111 were withdrawn. Claims 112-115 were mistakenly viewed by the Examiner as withdrawn.

In the Office Action, claims 14-16 are indicated as being allowed, but it is submitted this is erroneous, because these claims depend on a rejected claim. Claims 1-3, 5, 7-13, 17, 21-26, and 32-45 were rejected. Claims 4, 6, 18-20, and 27-31 were indicated as being allowable, but were objected to as being dependent on a rejected claim. Claims 112-115 were mistakenly considered to be withdrawn, and were not examined.

No response to the Office Action was filed by January 3, 2003, and the application went abandoned.

Accompanying this Response is a Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b).

Herein, claims 46-73 and 105-111 are cancelled. Claims 6, 18, and 32 are amended to correct minor errors, without changing the scope of the claims.

Please reconsider the claims in view of the amendments above, and the following comments.

A. Rejection of Claims over Drexler

Claims 1, 3, 5, 7-13, 21-26, 32-45, and 74-104 were rejected under 35 USC 103(a) over U.S. Patent 4,683,371 to Drexler. The rejection is respectfully traversed, on grounds that a *prima facie* case of obviousness has not been made.

Regarding claim 1, for instance, the claim includes the feature of a "magnetic material for storing magnetic signals." Drexler does not disclose such a feature. The Examiner cites to Drexler's Figs. 3 and 4, and to strips 25 and 27 thereon, but

those strips are not formed of a "magnetic material for storing magnetic signals." In particular, Drexler discloses an optical media, rather than a magnetic media. Drexler indicates that card 21 of Figs. 3 and 4, which includes strips 25 and 27, is the same as card 11 of Figs. 1 and 2, which includes strips 15 and 17. Col. 6, lines 42-45. Drexler clearly indicates that strips 15 and 17 are formed of a "reflective recording media" suitable for optical disks. Col. 4, lines 42-45. Moreover, the list of exemplary reflective metals disclosed by Drexler (see col. 4, lines 51-58) does not include magnetic metals (e.g., Fe), at least as far as the undersigned can determine. Accordingly, since Drexler's strips 25 and 27 of Figs. 3 and 4 do not include a "magnetic material for storing magnetic signals," a *prima facie* case of obviousness has not been made.

Independent claims 74, 89, and 97 include features that distinguish Drexler for reasons similar to claim 1. In particular, these claims include the features:

74. A data storage device comprising . . . at least one layer of high density, high coercivity magnetic material for storing data;

89. A data storage device comprising . . . at least one high density magnetically coercive material layer disposed on said substrate for storing magnetic signals . . . ;

97. A magnetically encoded card comprising . . . a thin film, high density magnetically coercive material disposed on said substrate for storing magnetic signals

Accordingly, the rejection of claims 74, 89, and 97 also should be withdrawn, for the same reasons set forth for claim 1.

The remaining claims are dependent on one of claims 1, 74, 89, and 97, and distinguish Drexler at least for the same reason as their respective independent claim.

B. Error re Non-Examination of Claims 112-115

In the Office Action, the Examiner stated that claims 112-115 were withdrawn. However, these claims should have been examined. In the restriction requirement set forth in the Office Action mailed on 6/18/2002, claims 112-115 were part of Group I, which was the group elected in response to the Office Action, via the Communication filed by Express Mail on July 9, 2002.

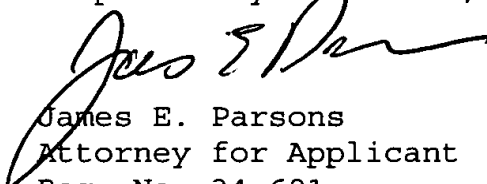
Independent claim 112 is submitted to be allowable over Drexler for the same reasons stated above for claim 1. Claims 113-115 are dependent on claim 112.

CONCLUSION

Claims 1-45, 74-104, and 112-15 are pending in the present Application. Reconsideration and allowance of these claims is respectfully requested.

If there are any questions, please telephone the undersigned at (408) 451-5906 to expedite prosecution of this case.

Respectfully submitted,


James E. Parsons
Attorney for Applicant
Reg. No. 34,691

Customer No.: 022888

I hereby certify that this correspondence is being deposited with the United States Postal Service as FIRST CLASS MAIL in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Date: 1/16/2004 Signature: Rebecca A. Baumann

Name: Rebecca A. Baumann